

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-cv-80-RJC  
3:05-cr-46-RJC-DSC-2**

<b>CURTIS ARNOLD,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b><u>ORDER</u></b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
<hr/>	)	

**THIS MATTER** is before the Court on *pro se* Petitioner’s unverified Letter that was docketed as a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, in which he purports to seek relief under United States v. Simmons, 649 F.3d 237 (4<sup>th</sup> Cir. 2011) (*en banc*) and United States v. Wheeler, 886 F.3d 415, 428 (4<sup>th</sup> Cir. 2018).

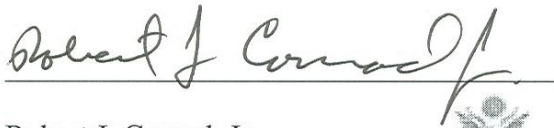
Plaintiff’s conclusory and unverified Petition is insufficient to proceed. Petitioner shall have **thirty (30) days** in which to file a superseding verified Amended § 2241 Petition in accordance with this Order. Although Petitioner is appearing *pro se*, he is required to comply with all applicable rules including the Local Rules of the United States District Court for the Western District of North Carolina and the Federal Rules of Civil Procedure. Rule 8(a) of the Federal Rules of Civil Procedure requires pleadings to contain a “short and plain statement of the claim showing that the pleader is entitled to relief....” Fed. R. Civ. P. 8(a)(2). The Amended § 2241 Petition will supersede and replace the original § 2241 Petition so that any claims not included in the Amended Petition will be waived. See Young v. City of Mount Ranier, 238 F.3d 567, 573 (4<sup>th</sup> Cir. 2001). The Amended § 2241 Petition will be subject to all applicable timeliness and procedural

requirements. See generally 28 U.S.C. § 2255(f), (h); Mayle v. Felix, 545 U.S. 644 (2005) (discussing relation back). Failure to comply with this Order will probably result in dismissal of this action and closure of this case without further notice.

**IT IS, THEREFORE, ORDERED** that:

1. Petitioner shall have **thirty (30)** days in which to file an Amended § 2241 Petition in accordance with this Order. If Petitioner fails to file an Amend § 2241 Petition within the time limit set by the Court, this action will probably be dismissed and the case will be closed.
2. The Clerk is respectfully directed to mail Petitioner a new § 2241 form.

Signed: February 21, 2020

  
Robert J. Conrad, Jr.  
United States District Judge

